

CHAPTER 6 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa commission for national and community service hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules Agency Procedures relating to public records and fair information practices which are printed in the first Volume of the Iowa Administrative Code.

555—6.1(17A,22) Definitions. As used in this chapter:

"Agency." In lieu of "(official or body issuing these rules)" insert "Iowa Commission National and Community Service".

555—6.3(17A,22) Requests for access to records.

6.3(1) Location of record. In lieu of "(insert agency head)", insert "Commission coordinator"; and in lieu of "(insert agency name and address)", insert "Iowa Commission on National and Community Service, 150 Des Moines Street, Des Moines, Iowa 50309".

6.3(2) Office hours. In lieu of "(insert customary office hours and, if agency does n have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m., Monday through Friday, except holidays".

6.3(7) Fees.

c. Supervisory fee. In lieu of "(specify time period)" insert "one hour".

555—6.6(17A,22) Procedure by which additions, dissents, or objections may be entered in certain records. In lieu of "(designate official)", insert "the Iowa commission on nation and community service".

555—6.9(17A,22) Routine use.

6.9(1) Defined. "Routine use" means the disclosure of a record without the consent the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

6.9(2) To the extent allowed by law, the following are considered routine uses of all agency records:

a. Disclosure of officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may, upon request of an officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections and appeals regarding matters in which performs services or functions on behalf of the agency.

d. Transfers of information within the agency, to other state agencies, or to local units government, as appropriate, to administer the program for which the information is collected.

e. Information released to staff of federal and state entities for audit purposes or to determine whether the agency is operating a program lawfully.

f. Any disclosure specifically authorized by the statute under which the record is collected or maintained.

555—6.10(17A,22) Consensual disclosure of confidential records.

6.10(1) *Consent to disclosure by a subject.* The subject may consent in writing to agency disclosure of confidential records as provided in rule 6.7(17A,22).

6.10(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official’s intervention on behalf of the subject in a matter that involves the agency may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

555—6.11(17A,22) Release to subject. The subject of a confidential record may file a written request to review the subject’s confidential records. However, the agency need not release the following records to the subject:

- 1. The identity of a person providing information to the agency when the information is authorized as confidential pursuant to Iowa Code subsection 22.7(18).
- 2. The work product of an attorney or otherwise privileged information.
- 3. Peace officers’ investigative reports, except as required by Iowa Code subsection 22.7(5).
- 4. Those otherwise authorized by law.

555—6.12(17A,22) Availability of records. This rule lists the agency records which are open to the public, those which are confidential, and those which are partially open and partially confidential.

Agency records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

The chart indicates whether the record contains personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations used in the chart are defined as follows:

<u>Code</u>	<u>Meaning</u>	<u>Code</u>	<u>Meaning</u>
O	Open for public inspection	O/C	Partially open and partially confidential
C	Confidential/Not open to the public	O/E	Partially open to members of the public and partially exempt from disclosure
E	Exempt from mandatory disclosure		
NA	Not Applicable		

<u>Description of Record</u>	<u>Type of Record</u>	<u>Legal Authority For Confidentiality</u>	<u>Personally Identifiable Information</u>
Records of Commission and Committees	O/E	Iowa Code 21.5	No
Rule Making	O	NA	No
Declaratory Rulings	O/C	Iowa Code 22.7	No
Policy Manuals	O	NA	No
General Correspondence	O/E/C	Iowa Code 22.7	Yes
Publications	O	NA	No
Financial and Administrative Records	O/E/C	Iowa Code 22.7	Yes

Contracts and Agreements	O/C	Iowa Code 22.7(3)	Yes
Appeal Records	O/C	Iowa Code 22.7	Yes
Litigation Files	O/E/C	Iowa Code 22.7	Yes
Privileged Communications and Products of Attorneys	E/C	Iowa Code 22.7	No

These rules are intended to implement Iowa Code chapters 17A and 22 and Executive Order No. 48.
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